



**IT IS ORDERED** as set forth below:

**Date: May 6, 2015**

Paul W. Bonnell

**Paul W. Bonapfel**  
**U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

FREDERICK MAURICE WILLIAMS, SR.,

Debtor.

GREEN TREE SERVICING LLC,

Movant,

VS.

FREDERICK MAURICE WILLIAMS, SR.  
and MARY IDA TOWNSON,  
Chapter 13 Trustee,

### Respondents.

Chapter 13

Case No. 13-56645-PWB

## CONTESTED MATTER

**ORDER GRANTING MOTION TO VALIDATE FORECLOSURE SALE**  
**AND TO ANNUL AUTOMATIC STAY**

The above-styled Motion to Validate Foreclosure Sale and to Annul Automatic Stay (“Motion”) was filed on March 6, 2015 by Green Tree Servicing LLC, its successors and assigns

("Movant") [Dkt # 37]<sup>1</sup>, regarding the real property located at and commonly known as 3883 Morning Dew Way, Powder Springs, Georgia 30127 ("Property"). Movant's Motion came before the Court for hearing on March 25, 2015.

Relief from the automatic stay was granted in the current case, Case No. 13-56645-PWB, as to the Property, pursuant to an Order granting relief entered October 29, 2014 [Dkt. #33]. Movant advertised the Property for sale once a week for four consecutive weeks immediately preceding said sale in the official legal organ for Cobb County, Georgia. The sale of the Property was cried out on January 6, 2015, during the legal hours of sale before the courthouse door in Cobb County, Georgia. The property was purchased at the foreclosure sale for a purchase price of \$197,139.70

On January 5, 2015, Debtor filed a pro-se petition for relief under Chapter 13 of Title 11, United States Code, which commenced Case No. 15-50177-PWB. In its Motion Movant alleged that Case 15-50177-PWB was not filed in good faith, and that Case No. 15-50177-PWB was filed solely to hinder and/or delay Movant from moving forward with its state law remedies as to the Property. Case No. 15-50177-PWB was dismissed prior to confirmation, on February 10, 2015.

Counsel for Movant, Debtor and the Chapter 13 Trustee appears at the scheduled hearing. Upon consideration of the pleadings, the record, and the arguments made by respective Counsel at the March 25, 2015 hearing; it is hereby

ORDERED that Movant's Motion to Validate Foreclosure Sale and to Annul Automatic Stay is GRANTED. The Section 362 automatic stay initiated by the filing of Case No. 15-50177-PWB, is modified and annulled ab initio and the foreclosure sale conducted by Movant on January 6, 2015, with respect to the Property, is hereby deemed valid to the extent it is otherwise valid under Georgia law and the contract between the parties. Movant, its successors and assigns, may conclude its

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<sup>1</sup> All Docket numbers reference docket entries in Case No. 13-56645-PWB.

foreclosure sale and record all foreclosure deeds, and may exercise any and all of its respective rights as to its collateral pursuant to Georgia law and the contract between the parties, including recovering possession of the Property. It is further

ORDERED that the stay imposed by Bankruptcy Rule 4001(a)(3), if applicable, is waived.

[END OF DOCUMENT]

ORDER PREPARED BY:

/s/ Drew K. Stutzman  
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NO OPPOSITION BY:

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**DISTRIBUTION LIST**

Pursuant to BLR 9013-2(b), the following parties are to be served with an executed copy of this Order:

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